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20 HEWLETT-PACKARD COMPANY

21
22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA

24 ALLAN J. NICOLOW, Individually and on
25 Behalf of All Others Similarly Situated,

26 Plaintiff,
27 vs.

28 HEWLETT-PACKARD COMPANY, LEO
APOTHEKER, MARGARET C. WHITMAN,
CATHERINE A. LESJAK, and JAMES T.
MURRIN,

Defendants.

Case No. CV-12-05980 CRB

**STIPULATION AND [PROPOSED]
ORDER RE: AMENDMENT OF
COMPLAINT AND TIME FOR
DEFENDANTS' RESPONSE
THERETO**

Hon. Charles R. Breyer

1 **TO THE HONORABLE COURT:**

2 Plaintiff and all Defendants who have appeared in this action hereby stipulate and agree,
 3 by and through their undersigned counsel of record, as follows:

4 WHEREAS, the Complaint herein was filed by Plaintiff on November 26, 2012 as a
 5 putative class action asserting claims for alleged violations of the federal securities laws on behalf
 6 of purchasers of common stock of Defendant Hewlett-Packard Company (“HP”) between
 7 August 19, 2011 and November 20, 2012, inclusive;

8 WHEREAS, this action is subject to the Private Securities Litigation Reform Act of 1995
 9 (the “PSLRA”), 15 U.S.C. § 78u-4, which establishes the procedure by which members of the
 10 purported class may seek appointment as lead plaintiff according to the following schedule: first,
 11 not later than 20 days after the date on which the first complaint is filed, the plaintiff must publish
 12 a notice advising putative class members of the filing of the action, claims asserted, and purported
 13 class period (“Notice”), 15 U.S.C. § 78u-4(a)(3)(A)(i); second, not later than 60 days after the
 14 date on which the Notice is published, any member of the purported class may file a motion to
 15 serve as lead plaintiff, 15 U.S.C. § 78u-4(a)(3)(A)(ii); and third, not later than 90 days after the
 16 date on which the Notice is published (or such later date as consolidation of multiple separate
 17 actions asserting substantially the same claims has been completed), the Court is to consider all
 18 such motions and appoint as lead plaintiff the member or members of the purported class
 19 determined to be the “most adequate plaintiff,” who shall, subject to the Court’s approval, select
 20 and retain lead counsel to represent the purported class, 15 U.S.C. § 78u-4(a)(3)(B)(i)-(ii), (v).

21 WHEREAS, Plaintiff represents that the Notice was published on November 26, 2012,
 22 and that a copy thereof was filed with the Court on December 12, 2012 (Docket No. 7).

23 WHEREAS, in the interests of judicial economy and conserving the resources of the
 24 parties and Court, all parties agree that no answer, motion, or other response to the Complaint
 25 currently on file should be due until after the Court has appointed one or more lead plaintiffs
 26 (“Lead Plaintiff”) and approved selection of lead counsel to represent the purported class (“Lead
 27 Counsel”) and Lead Plaintiff and Lead Counsel have had the opportunity to prepare an amended
 28

1 and/or consolidated complaint, or to consider whether to proceed on a complaint currently on file;
2 and

3 WHEREAS, the parties believe it is appropriate to establish a briefing schedule now for
4 anticipated motions in response to the complaint that becomes the operative complaint in this
5 action ("Motions") following completion of the lead plaintiff appointment process described
6 above,

7 NOW, THEREFORE, it is hereby stipulated as follows:

8 1. Within sixty (60) days after the Court's order appointing Lead Plaintiff and
9 approving the selection of Lead Counsel, Lead Plaintiff shall file and serve an amended and/or
10 consolidated complaint or a notice stating that Lead Plaintiff elects to proceed on a complaint
11 already on file.

12 2. Within sixty (60) days after the filing and service of Lead Plaintiff's amended
13 and/or consolidated complaint or notice of intention to proceed on an already pending complaint,
14 all Defendants shall file and serve their answers, Motions, or other responses to the complaint.

15 3. Lead Plaintiff shall file and serve its papers in opposition to Defendants' Motions
16 within sixty (60) days after the filing of Defendants' Motions.

17 4. Defendants shall file and serve their reply briefs in connection with their Motions
18 within thirty (30) days after the filing of Lead Plaintiff's opposition briefs.

19 5. Defendants need not file any response to the Complaint on file herein until the
20 time provided in Paragraph 2 above. Pursuant to Local Rule 6-1(a), Paragraph 2 of this
21 Stipulation shall be effective upon the filing of this Stipulation with the Court. In the event any
22 Defendant has not been served and has not appeared in the action as of twenty-one (21) days prior
23 to the time provided in Paragraph 2 above, then such Defendant's time to file and serve an
24 answer, motion or other response to the operative complaint shall be determined according to the
25 Federal Rules of Civil Procedure. No party is waiving any rights, claims, or defenses of any kind
26 except as expressly stated herein, and the parties reserve the right to seek further extensions of
27 time as circumstances may warrant.

28 //

1 **IT IS SO STIPULATED.**

2 Dated: December 20, 2012

MORGAN, LEWIS & BOCKIUS LLP

3 By /s/ Joseph E. Floren

4 Joseph E. Floren
5 Attorneys for Defendant
6 HEWLETT-PACKARD COMPANY

7 I, Joseph E. Floren, am the ECF User whose ID and password are being used to file this
8 Stipulation And [Proposed] Order. In compliance with Local Rule 5-1(i)(3), I hereby attest that
9 each of the three signatories identified below has concurred in this filing.

10 Dated: December 20, 2012

ROBBINS GELLER RUDMAN & DOWD LLP

11 By /s/ Shawn A. Williams

12 Shawn A. Williams
13 Attorneys for Plaintiff
14 ALLAN J. NICOLOW

15 Dated: December 20, 2012

WILSON SONSINI GOODRICH & ROSATI
P.C.

16 By /s/ Steven M. Schatz

17 Steven M. Schatz
18 Attorneys for Defendant
19 CATHERINE A. LESJAK

20 Dated: December 20, 2012

FENWICK & WEST LLP

21 By /s/ Kevin Muck

22 Kevin Muck
23 Attorneys for Defendant
24 JAMES T. MURRIN

25 **IT IS SO ORDERED.**

26 DATED: _____, 2012

27 _____
28 Hon. Charles R. Breyer
 United States District Judge